



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicant(s): Ca et al.
Case: 3-2
Serial No.: 09/876,568
Filing Date: June 7, 2001
Group: 2134
10 Examiner: Piotr Poltorak

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450.

Signature

Date: June 28, 2006

Title: Method and Apparatus for Protecting a Device Connected to a Network

15

REPLY BRIEF

Mail Stop Appeal Brief -- Patents
Commissioner for Patents
20 P.O. Box 1450
Alexandria, VA 22313-1450

25 Sir:

Appellants hereby reply to the Examiner's Answer, mailed May 3, 2006 (referred to hereinafter as "the Examiner's Answer"), in an Appeal of the final rejection of claims 1-32 in the above-identified patent application.

30

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellants' Appeal Brief.

RELATED APPEALS AND INTERFERENCES

35

A statement identifying related appeals is contained in Appellants' Appeal Brief.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Appellants' Appeal Brief.

STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellants' Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

A Summary of the Invention is contained in Appellants' Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A statement identifying the grounds of rejection to be reviewed on appeal is contained in Appellants' Appeal Brief.

CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellants' Appeal Brief.

ARGUMENT

In the Response to Arguments section of the Examiner's Answer (pages 9-10), the Examiner notes that "indication of theft" is not present in the independent claims.

Appellants note, however, that the present claims are not only directed to detecting the disconnect of a network connection, but are also directed to detecting the "removal of a device," as recited in the independent claims. In the context of the present invention, the detection of the removal of a device is, for example, indicative of a theft of the device. As previously noted, a visual cue, as taught by Thurrott, that alerts *a user* of a machine is unlikely to be effective as an alarm to *alert one or more individuals to a theft*, as would be apparent to a person of ordinary skill in the art. Thus, a person of ordinary skill in the art would not interpret the visual cue disclosed by Thurrott as an *"alarm for indicating removal of a device."*

In the Response to Arguments section of the Examiner's Answer (pages 10-11), the Examiner notes that, "reading Cromer's citation the remote computer system or server 34 as well as software application should be considered as matching the term 'the device' used in the claim language and the term should be considered distinct from 'a client' recited by Cromer."

Appellants note that both the Cromer patent and present disclosure are directed to, for example, the theft of computers. Cromer teaches many details about microcomputer system 10 (see, col. 3, line 32, to col. 6, line 46), and teaches that remote computer system 34 has components and attributes like those illustrated and described with regard to FIG. 3 (col. 6, line 64, to col. 7, line 10). Cromer teaches that “the system 10 has a power supply 17” (col. 3, line 53). A power supply is known in the art to require an external power source, as would be apparent to a person of ordinary skill in the art. Cromer, in fact, teaches that “the LAN adapter 94 is powered by auxiliary voltage (e.g., AUX 5) which is present *so long as the system 10 is connected to AC power.*” (Col. 7, lines 64-66; emphasis added.) *Cromer does not disclose or suggest that remote computer system or server 34 will continue to operate after it is removed and does not disclose or suggest that the invention will generate an alarm if the remote computer system or server 34 is removed.*

A person of ordinary skill in the art will recognize that if remote computer system or server 34 is removed, it will typically have *no power* to generate an alarm. This is especially true since Cromer teaches that, “if the software application does not get a response back after a *predetermined number of tries*, it indicates to the LAN administrator through a message that the client at this location is now not attached to the LAN.” (Col.7, lines 44-49.) In this case, Cromer teaches that there is a delay between the removal of a device and the indication to the LAN administrator.

In addition, Appellants note that the definition of an “alarm” utilized by the Examiner is “a signal, *by display or audio device.*” Cromer teaches that remote computer system or server 34 generates a message for the LAN administrator that the client at this location is now not attached to the LAN. (Col.7, lines 44-49.) A message is not an alarm until, according to the Examiner’s definition, it is displayed or audible. Thus, even if the remote computer system or server 34 generated a message, it is not clear that an alarm would be generated. The LAN administrator may, for example, be at a console that is no longer connected to remote computer system or server 34, and that therefore is no longer capable of receiving messages. (If the LAN administrator is using the remote computer system or server 34, it is unlikely to be stolen, as would be apparent to a person of ordinary skill in the art.)

Thus, Thurrott and Cromer et al., alone or in combination, do not disclose or suggest generating an alarm in said removed device if said network connection is disconnected,

as required by independent claims 1, 22, 31, and 32, do not disclose or suggest generating an alarm in said removed device if said response is not received within a predefined time interval, as required by independent claim 12, and do not disclose or suggest generating an alarm in said removed device if said signal is no longer received and a theft detection mode is enabled, as required by independent claim 17.

In the Response to Arguments section of the Examiner's Answer (page 15), the Examiner appears to equate "a predefined time interval" with not getting a response back "after a predetermined number of retries." Appellants note, however, that Cromer does *not* disclose or suggest that the retries are conducted either periodically or within a predefined time interval and that, therefore, a person of ordinary skill in the art would not equate "a predefined time interval" with "a predetermined number of retries."

In the Response to Arguments section of the Examiner's Answer (pages 16-17), the Examiner asserts that preventing reduction of a volume below a predefined minimum level would have been obvious to one of ordinary skill in the art at the time of the invention given the fact that reducing the volume could defeat the purpose of the audio alarm implementation.

Appellants maintain that the reduction of a volume below a predefined minimum level is not obvious and that the prior art actually teaches away from the present invention by teaching to lower power consumption (i.e., lower the volume of audible devices, etc.) when a portable device is removed, for example, from an external power source, as would be apparent to a person of ordinary skill in the art.

Thus, Thurrott, Cromer et al., Sanders et al., Lam, Minasi, Pearce et al., and Sobell, alone or in any combination, do not disclose or suggest preventing a volume of an audio output of the device from being reduced below a predefined minimum level, as required by claims 2, 13, 18, and 23.

In the Response to Arguments section of the Examiner's Answer (page 18-20), the Examiner asserts that "extending Cromer's invention with preventing the device from being turned off would have been obvious to one of ordinary skill in the art at the time of applicant's invention." Regarding Sanders, the Examiner asserts that "not only does the alarm system device (Fig. 2-3, object 1010) have no output allowing the device to be turned off, but Sanders also explicitly discloses an internal battery power that prevents turning off the device by removal of a power cord (col. 11 lines 49-55)."

First, Appellants note that the prior art actually teaches away from the present invention by teaching to lower power consumption (i.e., turn off a device, or enter a stand-by state) when a portable device is removed, for example, from an external power source, as would be apparent to a person of ordinary skill in the art. Second, in the text cited by the Examiner,

5 Sanders teaches that the

theft detection and alarm system 1010 is also provided with power cord 184 having male plug 185 which is adapted to be plugged into a conventional power receptacle. Power cord (cable) 184 allows connection of theft detection and alarm system 1010 to an external source of AC or DC power. Theft
 10 detection and alarm system 1010 comprises power supply circuitry (not shown) which generates the voltages needed for the operation thereof. In a preferred embodiment, a rechargeable battery (not shown) is placed within theft detection and alarm system 1010. If power cord 184 is disconnected, the internal battery powers the components of theft detection and alarm system 101. Thus, the
 15 removal of power cord 184 does not disable theft detection and alarm system 1010.
 (Col. 11, lines 46-55.)

Contrary to the Examiner's assertion, Sanders does *not* disclose or suggest *the step of preventing said device from being turned off*.

20 Finally, Appellants could find *no* disclosure or suggestion in either Cromer or Minasi to combine the invention disclosed by Cromer and the user rights methods disclosed by Minasi.

Thus, Thurrott, Cromer et al., Sanders et al., Lam, Minasi, Pearce, and Sobell, alone or in any combination, do not disclose or suggest preventing said device from being turned
 25 off, as required by claims 3, 14, 19, and 24.

Conclusion

The rejections of the cited claims under sections 102 and 103 in view of Thurrott, Cromer et al., Sanders et al., Lam, Minasi, Pearce, and Sobell, alone or in any combination, are
 30 therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin M. Mason". The signature is fluid and cursive, with the first name "Kevin" being the most prominent.

Date: June 28, 2006

Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Ca et al.
Case: 3-2
Serial No.: 09/876,568
Filing Date: June 7, 2001
Group: 2134
Examiner: Piotr Poltorak

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: John Maum Date: June 28, 2006

Title: Method and Apparatus for Protecting a Device Connected to a Network

TRANSMITTAL OF REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

(1) Reply Brief.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-0762** as required to correct the error. A duplicate copy of this letter and Reply Brief are enclosed.

Respectfully,

Kevin M. Mason

Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

Date: June 28, 2006